

information to admit or deny the allegations contained in Paragraph

1. These defendants have insufficient knowledge or information to admit or deny the allegations contained in Paragraph One of the Complaint.
2. These defendants admit the allegations contained in Paragraph Two of the Complaint.
3. These defendants admit the allegations contained in Paragraph Three of the Complaint.
4. These defendants admit the allegations contained in Paragraph Four of the Complaint.
5. These defendants admit the allegations contained in Paragraph Five of the Complaint.
6. These defendants deny the allegations contained in Paragraph Six of the Complaint.
7. These defendants have insufficient knowledge or

FIRST COUNT

INC. and PIGTAINER, INC., by way of Answer to the Complaint, say:

Defendants, BERNARDIN GUTIERR BERNAE, SALEM TRUCK LEASING,

-----X-----

Defendants,

BERNARDIN GUTIERR BERNAE,
SALEM TRUCK LEASING, INC. and
PIGTAINER, INC.

-----X-----

VERIFIED ANSWER

Plaintiff,

Index No. 7519/07

MELANIE M. COLON,

-----X-----

SUPERIOR COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Sixteen of the Complaint.

Information to admit or deny the allegations contained in Paragraph
16. These defendants have insufficient knowledge or

Fifteen of the Complaint.

Information to admit or deny the allegations contained in Paragraph
15. These defendants have insufficient knowledge or

Fourteen of the Complaint.

Information to admit or deny the allegations contained in Paragraph
14. These defendants have insufficient knowledge or

Thirteen of the Complaint.

Information to admit or deny the allegations contained in Paragraph
13. These defendants have insufficient knowledge or

Twelve of the Complaint.

Information to admit or deny the allegations contained in Paragraph
12. These defendants have insufficient knowledge or

Paragraph Eleven of the Complaint.

11. These defendants deny the allegations contained in
Ten of the Complaint.

Information to admit or deny the allegations contained in Paragraph
10. These defendants have insufficient knowledge or

Nine of the Complaint.

Information to admit or deny the allegations contained in Paragraph
9. These defendants have insufficient knowledge or

Paragraph Eight of the Complaint.

8. These defendants admit the allegations contained in
Seven of the Complaint.

- Information to admit or deny the allegations contained in Paragraph
17. These defendants have insufficient knowledge or
Seventeen of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
18. These defendants have insufficient knowledge or
Eighteen of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
19. These defendants have insufficient knowledge or
Nineteen of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
20. These defendants have insufficient knowledge or
Twenty of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
21. These defendants have insufficient knowledge or
Twenty-one of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
22. These defendants have insufficient knowledge or
Twenty-one of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
23. These defendants have insufficient knowledge or
Twenty-Two of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
24. These defendants have insufficient knowledge or
Twenty-Three of the Complainant.
- Information to admit or deny the allegations contained in Paragraph
25. These defendants have insufficient knowledge or
Twenty-Four of the Complainant.

information to admit or deny the allegations contained in Paragraph
36. These defendants have insufficient knowledge or
Paragraph Thirty-Five of the Complaint.

35. These defendants deny the allegations contained in
Paragraph Thirty-Four of the Complaint.

34. These defendants deny the allegations contained in
Paragraph Thirty-Three of the Complaint.

33. These defendants deny the allegations contained in
Paragraph Thirty-Two of the Complaint.

32. These defendants deny the allegations contained in
Paragraph Thirty-One of the Complaint.

31. These defendants deny the allegations contained in
Paragraph Thirty of the Complaint.

30. These defendants deny the allegations contained in
Paragraph Twenty-Nine of the Complaint.

29. These defendants deny the allegations contained in
Twenty-Eight of the Complaint.

28. These defendants have insufficient knowledge or
Paragraph Twenty-Seven of the Complaint.

27. These defendants have insufficient knowledge or
Paragraph Twenty-Six of the Complaint.

26. These defendants have insufficient knowledge or
Paragraph Twenty-Five of the Complaint.

Information to admit or deny the allegations contained in Paragraph
25. These defendants deny the allegations contained in Paragraph
24. These defendants deny the allegations contained in Paragraph
23. These defendants deny the allegations contained in Paragraph
22. These defendants deny the allegations contained in Paragraph
21. These defendants deny the allegations contained in Paragraph
20. These defendants deny the allegations contained in Paragraph
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7. These defendants deny the allegations contained in Paragraph
6. These defendants deny the allegations contained in Paragraph
5. These defendants deny the allegations contained in Paragraph
4. These defendants deny the allegations contained in Paragraph
3. These defendants deny the allegations contained in Paragraph
2. These defendants deny the allegations contained in Paragraph
1. These defendants deny the allegations contained in Paragraph

Article 14 of the New York Civil Practice Law & Rules.

should be limited as provided by the terms and provisions of Article 14 of the New York Civil Practice Law & Rules. While denying any negligence on the part of these defendants, should it be adjudged otherwise, then these defendants liability

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

had no control and/or no duty to control.

of third persons, entities or conditions over whom these defendants plaintiff's injuries and damages, if any, were caused by acts

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

reasonable care under the existing circumstances.

in plaintiff's failure to make proper observations and exercise reasonable care under the existing circumstances and were caused by her sole, contributory or comparative negligence and

The injuries and damages, if any, sustained by the plaintiff

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

AFFIRMATIVE DEFENSES

discovery.

change the answer upon completion of appropriate investigation and to assert additional defenses and/or supplement, alter or

INC. and PIGTAINER, INC., reserve the right to amend this answer

Defendants, BERNARDIN GUTIERR BERNARBE, SALEM TRUCK LEASING,

Paragraph Thirty-Eight of the Complaint.

38. These defendants deny the allegations contained in

Thirty-Seven of the Complaint.

information to admit or deny the allegations contained in Paragraph

37. These defendants have insufficient knowledge or

Thirty-Six of the Complaint.

action.

the Complaint along with the costs and disbursements of this
BERNABE and SALEM TRUCK LEASING, INC., demand judgment dismissing
WHEREFORE, Defendant, PIGTAINER, INC., BERNARDIN GUTIERREZ
economic loss as defined by Insurance Law Section 5102.
Plaintiff has not sustained economic loss greater than basic

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

Insurance Law Section 5102(d).

Plaintiff has not sustained a serious injury as defined by

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

the New York Civil Practice Law & Rules.
be limited as provided by the terms and provisions of Article 16 of
should it be adjudged otherwise, then defendants' liability should
while denying any negligence on the part of these defendants,

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

not be held liable.

The damages, if any, sustained by Plaintiff were the result of
an independent, intervening cause for which these defendants may

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

Law & Rules.

terms and provisions of Article 14A of the New York Civil Practice
be limited or Plaintiff barred from recovery as provided by the
should it be adjudged otherwise, then defendants' liability should
while denying any negligence on the part of these defendants,

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Stephen J. Dohahue

• BY

HARDIN, KUNDLA, MCKEEON & PELLETO, P.A.
Attorneys for Defendants, PIGTAINER,
INC., BERNARDIN GUTIERR BERNABE and
SALEM TRUCK LEASING, INC.
110 William Street
New York, New York 10038
(212) 571-0111

Dated: New York, New York
March 9, 2007

SALEM TRUCK LEASING, INC.
INC., BERNARDIN GUTIERR BERNABE and
Attorney for Defendants, PIGTAINER,
Stephen J. Donahue, Esq.



the County where I maintain my office.
This verification is being made by me because Defendant is not in
representatives of said defendant, and/or counsel for plaintiffs.
review of the files and documents furnished to me by the
my belief as to all matters not stated upon my own knowledge are a
and as to those matters I believe them to be true. The grounds of
matters herein stated to be alleged upon information and belief,
thereof; and the same is true to my own knowledge, except as to the
I have read the foregoing Verified Answer and know the contents
GUTIERR BERNABE and SALEM TRUCK LEASING, INC., in the within action.
Poleto, P.A., attorneys for Defendants, PIGTAINER, INC., BERNARDIN
I am an attorney with the firm of Hardin, Kudla, McKeon &
of Law in the Courts of the State of New York, says:
Stephen J. Donahue, an attorney duly admitted to the practice

COUNTY OF NEW YORK)
STATE OF NEW YORK) ss.:
VERIFICATION

SETTLEMENT
NOTICE OF at
on

ENTRY
NOTICE OF

PLEASE TAKE NOTICE

Attorney(s) for

Dated:

Service of a copy of the within

is hereby admitted

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contents contained in the annexed document are not frivolous.

Print Signer's Name Stephen J. Donahue

Signature

Dated:

March 9, 2007

(212) 571-0111

Office Address & Tel No.:
110 William Street
New York, New York 10038

HARDIN, KUNDLA, MCKEON & POLLITTO, P.A., BERNARDIN GUTTERER
BERNABE and SALEM TRUCK LEASING, INC.
Attorneys for Defendants, PIGTAINER, INC.,

VERIFIED ANSWER

Defendants

et al.

-against-

Plaintiff

MELANIE M. COLON

Year

Index No. 7519/07